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Keedysville owned the road. At best, there was a non-government prescriptive road, which was long ago abandoned as this Court recognized in the last appeal.

Since there is no evidence that the Wagon Road was ever a Town road, and this court correctly rejected the prescriptive road claim in the last appeal, Appellants' only recourse now is to petition the government to open a new GOVERNMENT road. The trial Court and this Court explained this to Appellants in their prior opinions. E1210; E1163-1165. These decisions were absolutely correct. Murphy v. Uhl, 159 Md. 7, 149 A. 566, 570 (1930)) ("the question of whether a proposed highway is required by public necessity, is legislative rather than judicial"); Walter v. Bd. of Comm'rs of Montgomery Cnty., 179 Md. 665, 22 A.2d 472 (1941) ("The legislature by statute charging county commissioners with the control and repair of county roads and bridges and public roads, except in incorporated towns, intrusted to county commissioners judgment and discretion as to when and under what circumstances and in what order such roads and bridges should be repaired"). Appellants' attempt to avoid this holding by repackaging its public road arguments on this appeal violates the principles of finality inherent in the law of the case doctrine.

UEBP argues that the trial Court should not have enjoined Appellants from using the wagon road to cross Parcel 2 and Parcel 3 in the Young Action because the trial court actually reserved resolution of the public road issue for a separate case, i.e. the Morral Action.[8] UEBP Br. at 19-21, 25; Holder Br. at 22-23, 29. Appellants' argument,

[8] Mr. Holder sued Mr. Young and some of the owners of Stonecrest Development in a separate lawsuit which has since been dismissed.

however, distorts the record in the trial court. Although the trial Court excluded evidence of public roads that crossed the Stonecrest Court development (as opposed to the Young Property), it did not defer resolution of the public road issue completely:

> Q. You aware any public documents that people in Stonecrest are objecting to a right of way of their property?
> MR. PEMBROKE: Objection, Your Honor. Your Honor - -
> THE COURT: There's an entire lawsuit about that Mr. Holder? I don't mean to jump in here but - -
> MR. PEMBROKE: If we're not - - We aren't - - Your Honor, this suite, we're not claiming any property that 17 belongs to Stonecrest or Keedysville in this suit.
> THE COURT: Sustained. Sustained. Mr. Holder, if you want to you're allowed to sit down if you wish. I'm okay if you stand but I'm okay if you sit too. I don't want you to think that you have to do all of this off of memory. I want you to have your notes, okay.

E92 (emphasis added). To the contrary, the trial court found that Appellants' claim to a public road over the Young Property was "without merit". To the extent Appellants assumed that the public road issue was completely removed from this case based upon the trial court's decision to refrain from hearing evidence about a public road crossing a separate subdivision, Appellants' assumption was unreasonable.

UEBP makes the disjointed argument that this Court's injunction, which barred Appellants from using any public roads to cross Mr. Young's Parcels 2 and 3, violates the Town of Keedysville Subdivision Ordinance. According to Appellants, since the subdivision ordinance requires the Town to provide UEBP with water and sewer and the Town/County failed to reference such connection in Plat 8292 when it approved the Stonecrest Development, the Town violated the subdivision ordinance. UEBP Br. at 28

("Plat 8292 could not have been lawfully approved without providing Appellant(s) with lawful access and easements for mandatory utilities). Appellants' argument is barred by equitable estoppel since Plat 8292 was approved almost 20 years ago and the subdivision has been fully constructed; at this point, it is too late to challenge the approval of Plat 8292. Furthermore, the undisputed evidence elicited at trial establishes that the Town and County offered UEBP water and sewer after the approval of Plat 8292. E1204 n.22. If the Town and/or County have now reneged on their promises to provide water and sewer, UEBP's recourse is to pursue legal action against the government authorities to compel the promised utilities and not challenge the approval of the Plat in a lawsuit with Mr. Young.

Notably, there is no temporal correlation between the Environmental Statute cited by Appellants and the alleged wrongful approval of Plat 8292. The Plat was approved in 2005. UEBP requested its water/sewer connection at the earliest in the last couple of years when it acquired its interest in the UEBP Property, which was well after the approval of the Plat. Thus, assuming the Town was required to make a connection pursuant to MD. Environment Code Ann. § 9-659 at the request of UEBP, the Town's failure to do so is not sufficiently connected to the approval of Plat to justify voiding the Plat at this late hour.

As for UESP estoppel argument (at pages 22-24 of its brief) is nonsensical. Accordingly, Appellee cannot respond to it.

CONCLUSION

WHEREFORE, this Court should affirm the decision of the trial court and award such further relief as justice requires, including the award of attorneys' fees.

REQUEST FOR A HEARING

Appellee requests a hearing on this matter.

Respectfully submitted,

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CERTIFICATION OF WORD COUNT AND COMPLIANCE WITH RULE 8-112

1. This brief contains 6265 words, excluding the parts of the brief exempted from the word count by Rule 8-503

2. This brief complies with the requirements stated in Rule 8-112. It is printed in Times New Roman 13.

/s/ Victor E. Cretella

CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing document on November 22 by MDEC to Justin K. Holder, 308 West Chapline Street, Sharpsburg, MD 21782, Robert Kline, 73 N. Main Street, Port Deposit, MD 21904, as well as two copies of this brief to each of those persons by mail.

/s/ Victor E. Cretella

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REPLY BRIEF OF APPELLANT

IN THE

APPELLATE COURT

OF MARYLAND

September Term 2023,

No. 883

JUSTIN HOLDER

Appellant

V.

JEFFREY YOUNG

Appellee

Appeal from the Circuit Court of Washington County

The Honorable Andrew F. Wilkinson - C-21-CV-20-371

REPLY BRIEF OF APPELLANT

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* Citations from Maryland Caselaw In Brief

I. YOUNG HAS CONCEDED THE THRUST OF MR. HOLDER'S APPEAL, THE TRIAL COURT'S ORDER IS UNLAWFUL AND DOES NOT COMPLY WITH THIS COURT'S MANDATE.

Appellant Justin Holder, ("Mr. Holder") incorporates Appellant Uncle Eddies brokedown palace LLCs', ("Uncle Eddies") Brief herein by reference. Appellee Jeffrey Young, ("Young") concedes the thrust of Uncle Eddies' and Mr. Holder's appeals, and acknowledges he is not entitled to injunction outside Parcels 2 & 3.

II. UNDISPUTED FACTS THAT YOUNG HAS CONCEDED IN THIS APPEAL,[1] AND OTHERWISE, THAT PROVE YOUNG'S BAD FAITH.

A. "There is no dispute in the record that in 1988 Young was advised that his predecessor Wickline could not transfer good title to Parcel 2 & 3." Mr. Holder's BR. p. 20

B. "Young, possibly by his own ignorance, but more likely than not, willfully and intentionally, limited his relief to a 12.2 foot wide Parcel 3." *Id.* p. 21

C. "[T]he Gap of land between the 'planted stone' and the Stonecrest' line is 25 foot wide." *Id.*

D. "Mr. Young, Plat No. 2499 is not accurate, and the man who drew it has admitted he made a mistake. *Id.*

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[1] *See Anderson v. Litzenberg*, 115 Md. App. 549 568-70, 694 A.2d 150 (1997). (Objections not raised below or arguments not raised in a brief are deemed waived.)

E. "It is undisputed that those Public roads of record have not been closed, abandoned, terminated, or otherwise extinguished by the Town and/or County government." *Id.* p. 22

F. "When Mr. Holder challenged Young at trial to explain what right Young had to enjoin him from the Public roads, Young acquiesced, and declined to seek that relief." *Id.*

G. "Young knew on May 29, 2020, when this dispute started, it was over the public roads, he knew existed, and did nothing to close." *Id.* p. 24

H. "More likely than not, Mr. Holder followed the western edge of Parcel 1 in the bobcat on May 29, 2020, which is not even Young's property." *Id.*

I. "It is indisputably lawful for Mr. Holder to remove roadside trees in the public right of way of an unimproved road." *Id.* p. 25

J. "The trial court decided to bar all evidence of public roads at trial." *Id.* p. 26

K. "In 1988 Young was on notice that he needed to purchase a quit claim for any land outside the title of his predecessor's Parcel 1, if he wanted clear title to the land as it was depicted on Plat No. 2499. Young purchased a quit claim deed in 1993 for Parcel 2 only." *Id.* p. 29

L. "Young was on notice in this instant litigation he needed to request relief for all land outside the title of his predecessor's Parcel 1, if he wanted clear title to the land as it was depicted on Plat No. 2499. Young chose to waive that relief, and limit his adverse possession to a 12.2 foot wide Parcel 3." *Id.*

M. "Young knew from the beginning of this dispute, (and decades prior to this dispute) that claims of public roads in the public record, cloud the title of Parcel 2 and 3. Young chose to exclude those claims of public roads of record from the relief he sought." *Id.*

N. "Throughout the litigation there was no dispute whatsoever that Plat No. 2499 was not accurate, or that surveyor Frederic Frederick did not 'set' some of his iron pins depicted on Plat 2499 on the legal paper title lines." Uncle Eddies Br. p. 2

O. "It is undisputed that surveyor George Nagel 'found' the correct 'planted stone' property marker that begins Young's western boundary described by Young's legal paper title, and that legal paper title line is not accurately depicted on Plat No. 2499." *Id.*

P. "There was never any dispute whatsoever that Parcel 1 on the Reeder-Wickline deed of 1966 begins at the 'planted stone' that was 'found' by surveyor George Nagel." *Id.*

Q. "Plat No. 2499 was not an accurate depiction of Young's legal paper title." *Id.*

R. "[T]he 'planted stone' depicted on the 'plat on folio 778' was not in dispute." *Id.*

S. "There is no dispute whatsoever in the record that the western boundary of **Parcel 1 on the Reeder- Wickline deed of 1966 is 23.68 feet away** from the rear corner of lot 14 in the Stonecrest subdivision as depicted on Plat 8292, ('Stonecrest'), and **25.71 feet away** from the 'mag nail' located at the rear corner of Lot 9/10 in Stonecrest." *Id.* p. 3

T. "The 'planted stone' 'found' by surveyor George Nagel is also the property marker for the end of the third (3rd) line on deed 'NN520, which is the deed that originally created the title lines describing Young's, the Appellant(s),' and Jennifer Butts' property."[2] *Id.*

U. "Relief outside of Parcel 2 & 3 depicted on Plat 2499 was 'not appropriate,' because Young waived that relief in his complaint." *Id.* p. 5

V. "Young knew Plat No. 2499 was incorrect because Young was notified by Western Maryland Title and his title attorney prior to purchase, and Young was provided a complete title report." *Id.* p. 8

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[2] This concession is dispositive of the decision Mr. Holder seeks to reverse in Appeal No. 61 September term 2023, and Appeal No. 1428 September term 2022. Young had no good faith reason to oppose this fact. Young vexatiously forced Appellant(s) to litigate this fact to the tune of four (4) appeals, so they could protect their rights in the *Estes v Holder*, and *Holder v. Morral* suits below. This endless litigation is exactly what Mr. Holder's Bill *Quia Timet,* filed in this instant case, sought to avoid.

W. "Young knew he had no claim whatsoever to legal paper title of what he claims as his parcel 3 on his plat 2499, when he filed his case 371, but he alleged that he did have legal paper title in his *verified* pleadings anyway." *Id.* p. 12

X. "Young initially claimed to 'have zero knowledge of' the road, and then after prior testimony was introduced, Young recalled 'talking about a road with Mr. Holder.' Young discussed that he had known of the claims of public roads in his prior depositions." *Id.* pp. 12-13 (Young was impeached by this fact at trial)

III. PUBLIC ROADS WERE NEVER AT ISSUE IN THIS LITIGATION

Young asks this court "[w]hether Appellants are able to relitigate their right to cross Mr. Young's Parcel 2 and 3 using nonexistent public roads when this Court foreclosed those claims in its prior Opinion" Young Br. JH p. 11 Mr. Holder was precluded from litigating public roads whatsoever in the trial court, and this court affirmed. Mr. Holder asks this court how it is fair for Young to so argue now?

Mr. Holder's *verified* Second Amended Answer at ¶41 clearly states:

> Plaintiff Jeffrey Young has owned property known as 13 Dogstreet road in Keedysville, MD for 32 years, with Notice/knowledge when he purchased the property there was a public road to Keedysville that burdened the property. Plaintiff Young slumbered, doing nothing to extinguish, block or terminate the use of the road that he knew burdened his property. Plaintiff Young to this day has failed to assert any claim in Court that the Road over his property known as Parcel 1 has been lost by A*cts in Pais* or somehow terminated. In fact Mr. Young and others still use the road regularly without challenge. (E1051)

Young's deeds to Parcel 1 and 2 clearly subject those lands to public rights of ways and private easements, streets, alleys, roads and ways. (E1292 & 1498) Mr. Holder further relied on the trial judges order that that no evidence was to be "discussed" related to public roads, and that Young was not seeking to enjoin Appellants from public roads. (E86-89 & 1221) Mr. Holder relied on the trial courts representations that the issue of public roads will be litigated in the *Holder v Morral* lawsuit. Uncle Eddies Br. p. 19 So when Mr. Holder testified he was not making a "claim of ownership" to the fee simple land described as Parcel 1 and 2, he did not find the need to add the caveat "subject to public roads, and to the extent we are discussing Parcel 1 on the Reeder-Wickline 1966 deed,"[3] because he relied on the representations of Young and the trial court judge. Young's use of that testimony to argue that Mr. Holder conceded is highly prejudicial and in bad faith. Mr,. Holder was simply obeying the order of the trial court judge, and should not be so prejudiced now.

IV. MR. HOLDER'S OPPOSITION TO YOUNG'S REQUEST THIS COURT MAKE A SUMMARY DECISION ON PUBLIC ROADS

A. Mr. Holder is not required to prove the roads are "government owned," just that they are public, and then Young's injunction fails.

Young argues in his Brief that Mr. Holder can not prove any "government owned" public roads cross Young's property. Young Br. JH pp. 7-24. The trial court did not just preclude evidence of only "government owned" roads, Appellants were barred

[3] To the extent the judge misrepresented the scope of the litigation below, Mr. Holder corrects his testimony and answers in accordance with the scope of litigation Young argues this court should analyze. Mr. Holder adds the above referenced caveat herein.

from any evidence of public roads. (E1221) Indeed, the trial court stopped Mr. Holder when testifying about the public's use of the roads across Young's claimed parcels. (E509-10) Mr. Holder was totally prejudiced in the trial court to make his record as to public roads, but nevertheless is unfairly challenged by Young in the Appellate Court.

This is not the first time Young has made such a challenge of Mr. Holder regarding matters not litigated in the trial court. In Appeal No. 1145 & 1457 September term 2022, Young challenged Mr. Holder to proffer some of the competent evidence he relied on to establish public prescription. Mr. Holder proffered that evidence as an Appendix to his reply brief in that appeal, and incorporates that appendix in this case by reference.[4]

Young, (and his co-conspirators Morral and Estes) have done the same in Appeal No. 1428 September term 2022. Mr. Holder incorporates that record herein by reference. This court may take judicial notice that Young, (and his co-conspirators Morral and Estes) argue that Young owns the entire 25 foot of the gap, and forces Mr. Holder to another summary decision on Appeal, after he was prejudiced and precluded

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[4] *See also Garrett v. Gray*, 258 Md. 363, 376 (1970) ((((quoting Chief Judge Hammond in *Mt. Sinai v. Pleasant Manor*, 254 Md. 1, 253 A.2d 915 (1969) (((quoting Chief Judge Alvey in *Thomas v. Ford,* 63 Md. 346, ((quoting *Day v. Allender,* 254 Md. at 5 and 6 ("Hence the existence of a public way may be established by evidence of an uninterrupted user by the public for twenty years; the presumption being that such long continued use and enjoyment by the public of such way had a legal rather than an illegal origin."))))) (Maps, public records and arial photos over a 100 plus year period.)

from making his record below. Even more offensive is that Young has conceded the 25 foot gap in this appeal, and has acquiesced to the 12.2 foot wide Parcel 3 he litigated.[5]

Thus, Mr. Holder objects to Young's bad faith, and litigation tactics. Young should not be allowed to bar Mr. Holder from evidence below, and then ask this court to decide and make findings Mr. Holder could not fairly litigate at trial. However, because Young makes the argument in bad faith, Mr. Holder answers....lest he be deemed to have acquiesced. Since Mr. Holder clearly proffered sufficient evidence of public prescription in the last appeal, he will focus on "government ownership" here.

B. Using the public records contained in the Town of Keedysville, Maryland Mayor and Council minutes listed at § IV(C) *infra*, that this court may take judicial notice thereof, Mr. Holder can easily rely on the Maryland authority cited by Young and the set of facts from said minutes to undisputedly prove public prescription and/or dedication of Harris lane and its acceptance by the Town of Keedysville, Maryland.

Mr. Holder incorporates the facts from the Town of Keedysville, Maryland public record in § IV(C) as if fully stated herein. January 9, 1961 the town concedes Harris Lane "is a legal town alley."[6] April 10, 1961: The Council approved the name "Harris Lane" for a road running southeast from Main Street parallel to the railroad

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[5] See § II *supra.* (Young concedes that the gap between Parcel 1 and Stonecrest is 25 foot wide and his Parcel 3 is only 12.2 foot wide.)

[6] The distinction made by the council in September 1959 regarding the opening of an alley near Robert Line's property (App003-4) contrasts with its approach to Harris Lane, suggesting a nuanced understanding and differentiation of government roads versus public pathways in the town's jurisdiction.

tracks. March 14, 1961 the town had the drainage repaired on Harris Lane.[7] May 22, 1961 the town enacts a plan to place a road sign on Harris Lane. June 3, 1963: The County was contracted to remove snow from the alleys, including Harris Lane, and bids were received for the resurfacing of all of the town's alleys, including Harris Lane. August 5, 1963 it was reported all of the road signs, including the sign for Harris Lane, were installed. May 6, 1965 it was ordered that all alleys, including Harris Lane, were to be sprayed for weeds. These facts indicate that Harris Lane was part of a resurfacing and maintenance program carried out by the town council, which implies that it was accepted as a public road by the town.

The decisions made by the town council, such as naming the road (April 10, 1961) and approving maintenance and resurfacing projects (June 19, 1962; June 3, 1963), are indicative of the council's control and responsibility over Harris Lane, (the "council actions"). The fact that the town council was involved in resurfacing, spraying weeds, removing snow, repairing drainage and maintaining Harris Lane (June 19, 1962; June 3, 1963;) suggests a level of control and responsibility typically associated with public roads, (the "maintenance"). The reference to widening alleys to state standards (October 2, 1963) aligns with the common practice of adhering to state

[7] The interaction with the State Roads Commission, as mentioned on November 23, 1959 (App005), and March 14, 1962 (App012), introduces a state-level dimension to the town's road management practices. This involvement is particularly telling, as state engagement often denotes a road's public status.

regulations for public roads, further proving the fact that Harris Lane was accepted as a public road.

Appellee Young argued that *Pennsylvania R. Co. v. Breeden*, 154 Md. 91, 140 A. 82 (1928) establishes that mere public use, without a clear and decisive act indicating a desire to dedicate land, does not convert a private way into a public way. However, Young ignores the historical council actions and maintenance that indicate a clear and decisive intent to treat Harris Lane as a public road. *See* § IV(C) *infra*.

Young offers that *Washington Land Co. v. Potomac Ridge Dev. Corp.*, 137 Md. App. 33, 767 A.2d 891 (2001) reinforces the principle that an owner may not be deprived of their interest by dedication unless there is a clear and decisive act indicating a desire to dedicate land. Young's (or his predecessor's) consistent and deliberate acquiesce towards the Towns historical council actions and maintenance accepting Harris Lane, suggest a clear intention that Young, (or his predecessors) intended to dedicate it for public use.

Young notes that *Bd. of Cnty. Commissioners of St. Mary's Cnty. v. Aiken*, 483 Md. 590, 296 A.3d 933 (2023) emphasizes that dedication is often accomplished by recording deeds or plats. The town's consistent council actions and maintenance could also be viewed as a clear and decisive act of dedication. Indeed, *Wilkinson v. Bd. of Cnty. Commissioners of St. Mary's Cnty.*, 255 Md. App. 213, 279 A.3d 1052 (2022)

outlines that an offer to dedicate may be accepted by various methods, including acceptance of a deed or record, ***acts in pais***, **long use**, or express statutory action. The town's council actions, maintenance, and improvement of Harris Lane coupled with the 100 years plus of public user should be viewed as dedication and acceptance. *Wilkinson* clarifies that public acceptance through use is a valid method of acceptance. Although *Wilkinson* emphasizes that a public road created by public use is not necessarily a government road, the facts suggest that Harris Lane may have been established as a public road through public use and then the town's notorious council actions and maintenance, is consistent with a formal government acceptance.

The town's consistent and deliberate actions toward Harris Lane, combined with the principles of dedication and acceptance, provide the notoriety that Harris Lane is a public road owned by the government. The town's maintenance and improvements, coupled with the historical public use, align with the legal requirements for dedication and acceptance.

C. *Acts in Pais* declarations recorded in the public record of Town of Keedysville, Maryland Mayor and Council minutes that tend to prove public *Acts in Pais* of dedication and/or acceptance of Harris Lane.

i. November 18, 1959 "A letter received from R. F. Kline, Inc., was read concerning the repairing and sealing of our town alleys. The price of $1400.00 was quoted for this work. Upon a motion by Councilman Miller, Second by Hines, it was passed to have this work done at the convenience of the contractor." (App001)

ii. May, 18 1959 "There was quite a lot of discussion on the patching and sealing of our alleys and the manner in which it was done. With this in mind, there

was a motion by Councilman Kline, seconded by Rowe to submit any future jobs for bids. Passed unanimously." (App002)

iii. September 2, 1959 "Robert Line appeared before the council and asked to have an alley opened in back of his lots, bordering Harris Street. The Mayor will call attorney Wagaman to see what the proper procedure would be." (App003)

iv. September 14, 1959 "Robert Line was asked to the meeting to inform him of the legal opinion concerning the alleged bordering his lot. In the opinion of our attorney the town is not responsible whatsoever for opening an alley as such. It was concluded by the council that the two property owners involved should be responsible." (App004)

v. November 23, 1959 "Mayor Schwagel reported that he had sent a letter to the State Roads Commission informing them that patching of our streets had been completed according to state specification." (App005)

vi. January 9, 1961 "Robert Line appeared before the council regarding the opening of an alley known as Harris Alley. He was told this was a matter to be settled between property owners as this does not come under the jurisdiction of the town. Mr. Line also requested the town to repair the alley leading to rear of former Ed. Poffenberger home so that he may have access to this property. The Council agreed to check into this, since this is a legal town alley." (App006)

vii. April 10, 1961 "Councilman Kline and Brandenburg acted as a committee for naming the streets and presenting these to the Council for approval. The following names were suggested and approved:...Harris Lane- running southeast from Main Street parallel to the railroad tracks..." (App007)

viii.May 22, 1961 "A complaint was received from Ralph Reeder concerning the drainage ditch between his property & Robert Lines lot. The ditch has washed out, leaving pockets for stagnant water, causing unhealthy condition. The Mayor will check with the State Roads Comm. to see if they might help us with this situation." (App008)

ix. May 22, 1961 "Council Brandenburg reported the following cost for our street signs; Pipe - $100.30, 5 single tops @ 5.75 - $28.75, 13 double tops @ 7.75 - $100.75, making a total of $229.80. Upon a motion by Asst. Mayor Hines & seconded by Councilman Kline, it was decided to purchase these materials, with a six weeks delivery date. Councilmen Kline and Brandenburg were asked to pin point exact locations of the sign posts by placing a small stake as a marker." (App009)

x. August 29, 1961 "The street signs were discussed. The pipe must be cut and locations marked for installation. Councilmen Brandenburg and Kline will contact Ed. Moser and have this work completed as soon as possible." (App009)

xi. December 29, 1961 "Councilman Brandenburg & Kline were instructed to check the town alleys for necessary repairs, as soon as the weather permits." (App010)

xii. February, 9 1962 "Councilmen Kline & Brandenburg were instructed to inspect the town alleys and decide which are in the worst state of repair and report such to next meeting." (App011)

xiii. March 14, 1962 "The State Roads Commission has agreed to do some work on the drains at the Ralph Reeder residence and Ralph Taylor truck lot." (App012)

xiv. March 14, 1962 "There was quite some discussion concerning the purchase of a weed sprayer to be used on our alleys and areas of our park. It was thought that a one man mobile unit would be the most feasible. Councilman Brandenburg was asked to check prices and report to the next meeting. Also it was decided to check the possibility of contracting this work." (*Id.*)

xv. June 19, 1962 "It was reported that some of the town alleys are being resurfaced, with work to be completed in several days. The cost of this work will be $3058.00." (App013)

xvi. December 20, 1962 "It was decided that the bill from R. F. Kline for work done on our town alleys must be paid before the end of the year and a letter will accompany said payment stating that the job was not completed to our satisfaction." (App014)

xvii. May 9, 1963 "Councilman Kline was instructed to contact interested Contractors and have them bid on re-paving alleys…" (App015)

xviii. June 3, 1963 "Councilman Kline reported that Mr. Stone will try to complete the alley and drain as agreed before our street paving program begins." (App016)

xix. June 3, 1963 "The following bids were received for re-surfacing of specified alleys: R. F. Kline - $3,796.00, E. D. Plummer - $2,869.25, Bester Long & Co. - $2,289.50. It was agreed to award to the lowest bidder after a final check with the Contractor on specifications." (*Id.*)

xx. June 3, 1963 "Mr. Bowser, County Roads Supervisor, will ask the County Commissioners for permission to use plows to remove snow from our town alleys and bill Keedysville for this service at the end of each month." (*Id.*)

xxi. July 11, 1963 " Councilman Kline was instructed to give a report at our next meeting on the street paving project and make recommendations accordingly." (App017)

xxii. August 5, 1963 "It was reported that our street signs have been anchored in the proper positions and should remain so." (*Id.*)

xxiii. October 2, 1963 "It was reported that the state standard for any alleys or streets, wherein state revenue is used, will be 30 feet in width. Council Kline will check our existing alleys to ascertain the appropriate widths and what would be involved to widen to state standards" (App018)

xxiv. May 6, 1965 "Asst. Mayor Hines will have Warrenfeltz to spray alleys to control weed growth. This should be done as soon as possible." (App019)

V. CONCLUSION

This court should vacate the injunction of the trial court, and strike its opinion from the record. DNR does not own the "abandoned railroad." Young obtained the judgement in bad faith, and the Appellants are prejudiced from fully and fairly litigating the facts in the trial court's Opinion.

CERTIFICATION OF WORD COUNT AND COMPLIANCE WITH RULE 8-112

1. This brief contains 3898 words, excluding the parts of the brief exempted from the word count by Rule 8-503.

2. This brief complies with the font, spacing, and type size requirements stated in Rule 8-112; Font Times New Roman size Thirteen (13) Point.

Justin Holder, *Pro Se*

CERTIFICATE OF FILING AND SEVICE

I HEREBY CERTIFY that on this 11th day of December, 2023, I caused the foregoing Reply Brief of Appellant to be served via the MDEC system on counsel for the parties of record, below. I further caused eight paper copies of the Reply Brief of Appellant to be filed with the Clerk of the Appellate Court of Maryland, and two paper copies to be mailed via first class US mail to the following counsel of record for the parties:

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STATEMENT OF REASONS FOR APPENDIX IN REPLY BRIEF

Pursuant to Md. Rule 8-501(f), Appellant now states his reasons for the inclusion of the following appendix. Appellee Young has raised a new issue in this appeal related to public roads which was not litigated in the trial court, and all evidence of those roads was precluded by the trial court. The following appendix materials are relevant to illustrate some of the evidence proffered with respect to the dedication, acceptance and/or the existence of government held, (or public) roads relevant to the matter.

Appellant would also request this court take judicial notice of the fact that Appellee Young made a similar challenge in Appeal No. 1145 & 1457 (consolidated) September term 2022, and Appellant Justin Holder was forced to submit an extensive Appendix in that Reply Brief in Opposition of Appellee Young's bald allegations. Appellant incorporates his Appendix from Appeal No. 1145 & 1457 (consolidated) September term 2022 by reference, and proffers that that Appendix generally proves that the prescriptive paths of the public roads exists, and are named on various maps.

Appellant Justin Holder also generally objects to Appellee Young's continued efforts to litigate public roads in the Appellate Court, where that same litigation was precluded in the trial court. Appellee Young's pattern and practice is highly prejudicial, burdensome, and annoying to this Appellant, and further demonstrates Appellee Young's bad faith. Yet because Appellee Young has raised the issue, Appellant Holder must again oppose, or be deemed to have acquiesced.

APPENDIX

Appendix follows on the next page, and is limited to pertinent parts of the Town of Keedysville, Maryland the Mayor and Council Minutes from 1959 through 1965.

11-18-58

A Special meeting of the Mayor and Council was held at the home of Charles Taylor with the following present: Mayor Taylor,Asst. Mayor Hines and councilmen Smith , Rowe and Miller.

A letter received from R.F. Kline,Inc., was read concerning the repairing and sealing of our town alleys. The price of $ 1,400.00 was quoted for this work. Upon a motion by Councilman Miller, Second by Hines , it was passed to have this work done at the convenience of the contractor.

A motion by Councilman Hines , Second by Rowe to give Councilman Miller authority to negotiate deeds for the road from the Mill to the New Highway and from the park to the new road. Passed. In conjunction with this , another motion by Councilman Hines , seconded by Miller that the town agree to give Dudley Pry a Maximum of $ 100.00 for land needed to build the road between the Mill and the New Highway. Passed, with Councilman Rowe voting no.

The letter from Butcher & Sherrard was Reread offering to arrange material and advertise our water Bonds for a fee of $ 1,000.00 and stating that if they should be the successful bidder , the $ 1,000.00 would not be paid.

Motion duly made and carried that Butcher & Sherrard be employed by the town of Keedysville , Maryland on the basis outlined in their letter dated Nov. 5 , 1958, and that the Mayor be authorized to sign the agreement on behalf of the town. The original is attached here to and becomes a part of these minutes.

The motion was regularly made by Councilmen Miller , seconded by Rowe, with the 3rd vote being cast by Mayor Taylor. This made it unanimous , since there was no dissenting vote.

The meeting was then adjourned at 9:30 P.M.

John W Long Jr.

Clerk to the Board

May 18, 1959

A special meeting of the Mayor and Council and Water Board was held at Russel Geeting's Redwood Lodge May 18, 1959, with the following present: Mayor Schwagel, Councilmen Kline, Rowe and Miller, Russel Geeting, Ralph Taylor, Bob Gordon, Douglas Highberger, Roy Hammond, Bob Lakin and Charles Wagaman.

The Town Attorney, Charles Wagaman, presented the Resolution creating a Board of Water Commissioners for Keedysville. Upon reading, re-reading and complete discussion of all sections, a motion was made by Councilman Kline, seconded by Miller, to adopt said Resolution as drawn up. Passed unanimously by those present. A short summary is as follows: Said Resolution shall provide for the manner of appointment and removal of the members thereof and term of office thereon; define the powers, duties, rights, obligations andsalary of said Board and provide that water rents or charges are liens on the property in which said water is used. A copy of this resolution shall be posted at the Post Office and in the daily newspaper for each of four weeks.

The Water Board voted unanimously to adopt the following:

The undersigned Board of Water Commissioners, hereby declare, that they will not accept any pay for any services rendered by them, during this term of office.

The question of how to pick the water board members for their respective terms of 1, 2 and 3 years was discussed. The Mayor and Council decided on a motion by Councilman Kline, seconded by Rowe to allow the water board to handle this and if no decision could be reached by them to refer it back to the Mayor and Council Passed unanimously.

There being no other business, the meeting was adjourned.

A short meeting was then held at the Town Library.

There was quite a lot of discussion on the patching and sealing of our alleys and the manner in which it was done. With this in mind, there was a motion by Councilman Kline, seconded by Rowe to submit any future jobs for bids. Passed unanimously.

The Mayor suggested that we are in need of stationery, after which it was decided to purchase what was needed.

Mayor Schwagel will contact the State Roads Commission concerning the paving of our main street by the fall of 1960. It is hoped that our State Revenue Funds will cover the cost of our patching by that time,

Upon a motion by Councilman Kline, seconded by Rowe, it was passed to have the Town Clerk obtain the election ballots from the Judges, seal and deposit in the bank for 30 days, after which they will be destroyed.

There being no other business, the meeting was adjourned.

John W. Long Jr.
Clerk to the Board

Sept. 2, 1959

The regular meeting ot the Mayor and Council was held at Taylor Park Sept. 2, 1959, with all members present.

After quite some discussion there was a motion by Asst. Mayor Hines, 2nd by Councilman Miller that, inasmuch as the land on which the road from the by-pass to the park, owned by Mr. Stiles, is covered by a mortgage to the Federal Land Bank, the following procedure is recommended:

First, have Stiles sign deed releasing said land to Town of Keedysville.

Second, Upon authorization by Stiles, have Mr. Wagaman attempt to obtain a deed from Federal Land Bank. Motion carried.

Since there has been continuous complaint concerning parking along the alley at the ball park, it was decided that, in the future, whoever uses the ball park will be responsible for keeping the alley clear of cars.

The treasurer reported the following fund balance:

General Fund - $ 3,725.40 and State Revenue Fund - $ 5,968.06

The patching and sealing of our streets and alleys was thourghally discussed and it is the concensus of opinion that, at this time, ditches will not be settled enough until spring 1960. This was agreed upon by a motion by Councilman Rowe, 2nd by Kline.

The agreement between the B & O. R.R. and the town of Keedysville for the right of way for a water line was received and ok'd by our town attorney, Mr. Wagaman.

Complaints on broken curbs and anything disturbed during installation of the water system should be reporter to Mayor Schmagel. These in town will be cleared through E. D. Plummer & Sons for repairs.

Two stop signs should be erected on the through alley from the new highway to the ball diamond. One back of Valentine's store and one at the west park entrance. Asst. Mayor Hines will acquire the signs and councilman Rowe will install them.

The streetlights at the Reform Church and the School House which were previously ok'd for installation, will be checked into.

A meeting will be called in the near future with the water board and Bob Lakin, to discuss the proper way to handle the rough spots in our street, until Spring, when the final patching is completed.

Reference was made to June 29, 1959 minutes and it was decide to disregard the idea of installing a sign in the park, at the present time.

A bill was received from Charles Wagaman for services rendered, such as acquisition of Spring, preparing deeds, Amending town charter, etc. There upon a motion by Councilman Rowe, 2nd by Miller to pay Charles Wagaman $ 300.00 for legal fees to date. Passed.

Also a motion by Asst. Mayor Hines, 2nd by Councilman Miller that Keedysville Corp. pay $ 1,200.00 to Keedysville Board of Water Commissioners for refund for land purchased from Olive Remsburg. Said land covered by deed, on file. Passed.

Robert line appeared before the council and asked to have an alley opened in back of his lots, bordering Harris Street. The Mayor will call attorney Wagaman to see what the proper procedure would be.

The following addition will be made to the minutes of May 7, 1959:

Russel Geeting reported that Mrs. Olive C. Remsburg would deed to Keedysville Corp., for $ 1,200.00, the following

Sept. 14, 1959

A meeting of the Mayor and Council was held at Taylor Park, Sept. 14, 1959 with all members present.

Previous to the meeting, the members met at the school house to decide on the location of several street lights for the area around the school house and the Reform Church. This was agreed upon and the Potomac Edison will be notified to install them.

Mr. Thayer of the State Roads Commission notified Mayor Schwagel that we should have our streets patched and completely repaired this fall. With this in mind, there was a motion by Councilmen Rowe, 2nd by Asst. Mayor Hines to notify Bob Lakin to have E. D. Plummer proceed with the patching and sealing at his earliest convenience. Passed.

Councilman Rowe was asked to contact Sam Snyder, Charles Stotler, Ralph Taylor, Russel Geeting, George Miller and Pythian Assoc. to ascertain their feeling in replacing cement or black top in front of their properties. Robert Line was asked to the meeting to inform him of the legal opinion concerning the alleged alley boarding his lot. In the opinion of our attorney the town is not responsible whatsoever for opening an alley as such. It was concluded by the council that the two property owners involved should be responsible.

It was reported that Mr. Stiles will sign deed as asked with one exception. That he will want an easement across said roadway for a water line.

Sheriff Price notified the Mayor that John Long, Sr. has been appointed deputy sheriff for this area. There was a motion by Councilman Miller, 2nd by Kline to acknowledge John Long, Sr., as the law enforcement officer for the town. Passed.

The treasurer reported the following balance:

General Fund $ 2,328.64 and State Revenue Fund $ 6,796.24

There was a motion by Asst. Mayor Hines, 2nd by Councilman Miller to transfer the street fund, dating back to 1958, to the State Revenue Fund. Passed.

The Mayor received a letter from Charles B. Huyett, a member of the Legislative Council Commission, asking the council to attend a banquet and meeting of the Potomac River Commission. The time and Place is Oct. 6, at 6:30 P.M. at Hotel Alexander. The cost of the banquet is $ 4.00 per person. After some discussion, it was decided to consider attendance at the next meeting.

It was agreed to renew our membership in the Maryland Travel League for another year.

There being no other business, the meeting was adjourned

John W. Long Jr.

John W. Long, Jr.
Town Clerk

Oct. 12, 1959

A joint meeting of the Mayor-and Council and Water Board was held at Russel Geeting's Red Wood Lodge. All members were present from the Town Board, with Harold Lowe being absent from the Water Board.

The Mayor reported that the State Roads Commission refused to waive the bridging of the highway through town.

At this time, Bob Lakin and E.D. Plummer were present and presented the following:

There are about 30 sections to be bridged at a cost of $ 90.00 each. Approximately $ 30.00 for reinforcement and $ 60.00 for cement.

3850 sq. yds of patchings	-	$ 11,700.00
30 bridgings	-	2,700.00
		$ 14,400.00

Upon a motion by Coumcilman Rowe, 2nd. by Kline, it was decided to have E.D. Plummer proceed with the work at once. Passed unanimously.

There being no other business, the meeting was adjourned.

John W. Long Jr.
Town Clerk

Nov. 23, 1959

The regular meeting of the Mayor and Council was held at the town library with all members present except Councilman Miller.

A bill was received from J.B. Ferguson for the installation of the water fountain and hydrant in Taylor Park. The total amount was $ 537.92. Upon a motion by Councilman Kline, 2nd by Rowe it was decided to pay this amount.

Mayor Schwagel reported that he had sent a letter to the State Roads Commission informing them that patching of our streets had been completed according to state specification. Also he asked them to include resurfacing of the street, in the budget for 1960.

Councilman Rowe suggested that a post or guard rail should be installed at the Mill bridge abutment facing the new highway. This will be considered.

The Mayor gave the following breakdown for the budget for 1960:

$ 1,160.00	Lights
120.00	Library
150.00	Can & Ash Collection
1,200.00	Hydrants
400.00	Administration
225.00	Park
100.00	Legal Advice
50.00	Miscellaneous
$ 3,405.00	Total Budget

With these facts in mind, it was considered absolutely necessary to increase the tax rate for the coming year.

The total town tax for the present year grossed approximately $ 2,150.96 which is definitely inadequate. An increase in taxes will be considered at a later date.

The clerk was asked to send a letter to the Chairman of the Water Board and request a financial report as of Dec. 31, 1959.

There being no other business, the meeting was adjourned.

John W Long Jr.
Town Clerk

1-9-61

THe Town Council met at the Library with the following present, Mayor Schwagel, Asst. Mayor Hines,,Councilmen Miller and Brandenburg.

The financial report for the year 1960 was given and passed as stated.

Robert Line appeared before the council regarding the opening of an alley known as Harris Alley.He was told that this was a matter to be settled between property owners as this does not come under the jurisdiction of the town. Mr. Line also requested the town to repair the alley leading to rear of former Ed. Poffenberger home so that he may have access to this property. The Council agreed to check into this, since this is a legal town alley.

Mr. Howard Remsburg appeared before the Council to request an increase of $ 5.00 per month for rent of the library rooms. There upon a motion by Asst. Mayor Hines, seconded by Councilman Brandenburg to grant increase providing Mr. Remsburg repairs the floor with a permanent covering. Passed unanimously.

Mayor Schwagel suggested that we should set aside a night to submit a financial report to the public possibly Wednesday Jan. 18th at the School House.

The Mayor checked material for voter registration. He reported that the cost would be approximately $ 52.00 for materials. Motion made by Councilman Brandenburg, seconded by Councilman Miller to obtain appropiate material for registration. Passed unanimously.

Bills were received for liability insurance- $ 174.25 and Workman's Compensation Insurance $ 44.00. Voted to be passed unanimously.

It was agreed among the members that the Washington County Municipal League is a good thing and that any town official attending these meetings should have expenses paid by the town.

It was voted to retain the .57 town tax rate per $ 100.00 of assessed value of property.

There being no other business the meeting adjourned.

John D. Long Jr.
Town Clerk

4-10-61

The Mayor and Council met at the Library for the express purpose of naming the Streets of Keedysville.

Concilman Kline and Brandenburg acted as a committee for naming the streets and presenting these to the Council for approval.

The following names were suggested and approved: Main Street, being the main street of Keedysville; Mt. Hebron Rd., extends southeast from Main Street; Mt. Vernon Lane, runs parallel to Main Street- northeast from Keedysville School; Antietam Drive - parallels Antietam Creek; Red Hill Rd. -running southeast from Main Street; Coffmans Rd.- running northwest from Main Street to Rt. 34; Taylor Drive running around Taylor Memorial Park and northwest to Rt. 34; Harris Lane- running southeast from Main Street parallel to the railroad tracks; Bell Lane- curving around the southeast side of Main Street; Mountain View Lane running parallel to Main Street on the southeast side; Keedy Drive on the northwest side of Main Street- northeast of Taylor Park; Park Lane running parallel to Main Street on the northwest side from Taylor Park to the Ball Park.

Some of the rejected names included McClellan Rd., Monument Lane and Ruritan Ave.

Now that the streets are named the next project will be numbering the houses.

The work of Councilman Kline and Brandenburg was warmly praised by the rest of the Keedysville Mayor and Councilman.

John W. Long Jr.
Town Clerk

4-24-61

The Town Council met at the Library.

The Treasurer reported the following fund balances: State Revenue- $1,677.62 General Fund $3,060.65

Since a check is due the State Fund in the amount of $686.09, it was decided to pay $2,000.00 to E.D. Plummer on our street patching obligation.

The street signs were discussed and it wasdecided that we would need 13 cross and 5 straight signs. These would require 18 posts.

Councilman Brandenburg and Kline were asked to obtain prices on pipe and signs needed for this project and report back at next meeting.

It was decided that postal cards will be sent to the property owners notifying them of their respective house numbers. These numbers must be bought by the property owner themselves. The completion of these projects has been tentatively set for July 1.

R. F. Kline, a contractor from Frederick, will be asked to attend our next meeting to discuss the possibility of developing land within the town limits.

The Mayor reported that Ed. Moser will dig drainage ditch to clear the A. H. Snively land of water. Flooding was caused by improper drawing of streets and alleys.

Howard Remsburg and Kenneth Ellis were selected as Election Judges and ballots were ordered printed for the Town Election, May 6, from 4 to 7 P.M. at the Library.

There being no other business the meeting was adjourned.

John W. Long Jr.
Town Clerk

5-22-61

The regular meeting of the Town Council was held at the Library with all members present.

The treasurer reported that the balance owed E.D. Plummer is $1,786.00 with a balance in the State Revenue Fund of $363.71. The amount in the General Fund is $2,735.87.

It was reported that a riding mower had been bought for use in the Park for $175.00. The purchase from the Gun Club had previously been sanctioned by the Council.

A complaint was received from Ralph Reeder concerning the drainage ditch between his property & Robert Lines lot. The ditch has washed out, leaving pockets for stagnant water, causing an unhealthy condition. The Mayor will check with the State Roads Comm. to see if they might help us with this situation.

Councilman Brandenburg reported the following costs for our street signs; Pipe- $100.30, 5 single tops @ 5.75 - $28.75, 13 double tops @ 7.75 - $100.75, making a total of $229.80. Upon a motion by Asst Mayor Hines & seconded by Councilman Kline, it was decided to purchase these materials, with a six weeks delivery date. Councilmen Kline & Brandenburg were asked to pin point exact location of the sign posts by placing a small stake as amarker.

The Mayor reported that the resurfacing of our main street is near at hand & that bids will probably go out this week.

Some contention was reported concerning the use of the Ball Park. The following schedule had been set up and will be maintained as such; Antietam Ball Club- Saturdays and Sundays, Little League- Tuesdays and Thursdays, and the Soft Ball Team- Mondays. Any other dates will have to be arranged with Councilman Kline, who has charge of the Ball Park.

Asst. Mayor Hines & Councilman Brandenburg attended the kick-off meeting for the restoration of the Dunker Church and reported a very educational & well spent evening.

The Clerk was asked to send out cards for the numbering of the houses, around June 15, with a goal for installation around August 1st. The following information is to be given on the card: In lieu of an ordinance adopted by the Mayor & Council, that all houses be numbered, we wish to inform you that your number will be ____. Your cooperation in installing your number by August 1st., will be appreciated. Mayor and Council of Keedysville.

The Mayor made the following appointments, with the consent of the Council: Lester E. Hines- Park Superintendent & E. Stafford Kline- Ball Park Superintendent.

There being no other business, the meeting was adjourned.

John W. Long Jr
Town Clerk

6-13-61

A short meeting of the Mayor & Council was held at Taylor Park.

The resurfacing of our street is in progess & no parking signs had to be purchased at a cost of $4.50. A question arose as to whether the State Roads Comm. will pave the dead end portion of our main street at the Northeast end of town. Every effort will be made to have them do this, but if not possible, it was agreed that the Town would obligate itself at a cost of approximately $500.00. This expenditure would be allotted from the State Revenue Fund.

Some trouble spots in our main street were checked into & it was decided to let the Contractor take care of these in the best possible manner, at aminimum of cost.

There being no other business, the meeting was adjourned.

John W. Long Jr
Town Clerk

7-3-61

The Town Council met at the home of Mayor Schwagel. All members were present.

There have been quite a few requests asking that the Council obtain sample house numbers with prices and post in the lobby of the Post Office. Thereupon persons desiring to purchase these would place their name and house number in the proper space for delivery in the near future. This was agreed upon by a motion by Councilman Kline and seconded by Hines and passed.

There is some contention concerning the direction in which our main street runs. If our street signs have not been finished as yet, it was decided to change to East and West from the previous North and South.

A complaint concerning odors near the center part of town will be checked by the Health Dept.

It was decided to check with the State Roads Dept. to see if something can be done to the frontage of the Earl Lambert property.

A bill was received from R. F. Kline for $ 588.00 for the paving of the dead end section of our main street. This will be checked on by the Mayor before further action will be taken.

The treasurer reported the following fund balances: State Revenue Fund- $ 363.71 General Fund- $ 2,475.13.

There being no other business, the meeting was adjourned.

John W. Long Jr.
Town Clerk

8-29-61

The regular meeting of the Town Council was held at the Library with all members present, except Councilman Miller.

It was decided to send another post card to delinquent property owners who have not as yet installed their house numbers. The content shall be as follows: "If you have not already installed your house number, we would appreciate your doing so by Oct.15. Your cooperation will be appreciated." The Clerk was instructed to follow through with this.

The street signs were discussed. The pipe must be cut and locations marked for installation. Councilmen Brandenburg and Kline will contact Ed. Moser and have this work completed as soon as possible.

The treasurer reported the following fund balances: State Revenue Fund- $ 2,204.50 General Fund- $ 2,767.86.

The Council then voted to pay off the following from the State Revenue Fund. E. D. Plummer- balance owed on street bridging- $ 1,786.00, Noland's- pipe for street signs- $ 105.27 and State Use Industeries- for street signs- $ 119.50.

If the bill of $ 588.00 from R.F. Kline need be paid by the town, it will necessarily have to be held off until the end of the year.

The following persons were recommended by the Water Board and approved by the Mayor and Council to serve as members of the Water Board; George Snively, Eldon Pound and Robert Wyand.

Mr. Shifler, of Boonsboro, has checked the town park for complete wiring, flood-lighting etc. and estimates a cost of approximately $ 300.00. He will work out a plan and present it to the Council for consideration.

The Wash. Co. Municipal League will meet at the National Restaurant, Hancock, Md., with a full evening of discussion on Civil Defense. The date is monday Sept.18, at 7:P.M.

There being no other business, the meeting was adjourned.

John W Long Jr.
Town Clerk

12-29-61

The Town Council met at the Library with all members present.

Mrs. Grace Fleming appeared before the Council and explained some plans for the Antietam Centennial Celebration. The Town can pick a day of its own to put on special events, such as a parade, antique display or whatever could be worked out. It was thought that a saturday, possibly in conjunction with the Ox Roast might be suitable. Mrs. Fleming was asked to organize a committee to discuss and make plans, then report back to the Council not later than March. Plans have to be worked out and a day picked so that brochures can be printed far in advance for distribution all over the states. The Council promised to cooperate in any way possible including financial help.

Mr. Russell Geeting appeared, concerning the upkeep of the cemetery. He reported that it is actually run by a group of townsmen who are known as the Cemetery Assoc. At the present time the Assoc. is very inactive and the responsibility falls on one or two individuals. The group has approx. $ 2,500.00 on interest, which does not pay nearly enough for upkeep.

Councilman Miller was asked to estimate the cost of upkeep, including mowing, trimming etc. Also he is to arrange a meeting of the Cemetery Assoc. and try to organize same to operate as it should. He is then to report back to the next Council Meeting.

A full financial report for the year 1961, was submitted by the treasurer. The year was ended with a balance of $ 1,957.44, which is well within the budget. This report will be audited by Mr. Kepler, cashier of the bank, and then be posted on the bulletin board at the Post Office.

A budget of $ 4,475.00 for 1962 and anticipated expenditures of $ 4,471.89 were passed and approved.

The Mayor was commended for a fine job in compiling the financial report for the past year.

Councilman Brandenburg & Kline were instructed to check the town alleys for necessary repairs, as soon as the weather permits.

Councilman Miller will check several delinquent property owners and try to have them install their house numbers.

Councilman Kline reported on Civil Defense. He has appointed a committee consisting of Mrs. Grace Fleming, Bruce Shipley & Rev. Ivan Naugle. The committee was approved by the Council and it was suggested that Bruce Shipley, Principal of the school, be asked to accept the chairmanship. Kline will check further concerning an alarm system for the town.

The Washington County Municipal League will meet Jan. 29, at Williamsport. The topic of discussion will be the Antietam Centennial. Members of the Council will attend.

Upon a motion by Asst. Mayor Hines and seconded by councilman Miller, the tax rate for 1962 was set at .57 per One Hundred Dollars of assessed value.

There being no other business, the meeting was adjourned.

John W. Long Jr.

Town Clerk

159

2-9-6 2

The Mayor & Council met at the town library with the following members present: Mayor Schwagel, Councilman Kline & Miller.

The treasurer reported the following fund balances: General Fund - 1,642.93, State Revenue Fund - 1,166.61.

Councilman Miller reported that Robert Line does not seem to want to cooperate in installing his house numbers. Mr. Miller will now contact Roberts father to see if he will cooperate and install same.

Mrs. Grace Fleming appeared before the Council to report on Centennial plans. The local committee had made tenative plans for Keedysville Day tobe observed on Sat. Sept. 8th. The Commission then informed us that this day could not be had and suggested Tues. Sept. 4 th. instead. After quite some discussion it was decided to accept Tues. Sept. 4 th. as Keedysville Day. Mrs. Fleming reported that the committee is planning a parade, antique show, old fashioned dinner, dress in periodic attire etc. A brochure will be prepared consisting of a history , program and a map.

A motion was made & passed to allot $25.00 to Mrs. Fleming for expenses incurred by the committee. It was also sanctioned to donate $25.00 to the Antietam South Mountain Centennial Commission.

Upon a motion by Councilman Miller & seconded by Kline, it was passed to keep our park open during the period from Sept. 1st. to 18th. with absolutely no reservations for Sept. 2,3,4 & 5th.

Councilman Kline & Brandenburg were instructed to inspect the town alleys and decide which are in the worst state of repair and report such to next meeting.

The Mayor reported that Elmer Wyand & Harold Lowe were the two new members being added to the Park Board for this year.

It was suggested that Councilman Kline should appoint another member to the Civil Defense Committee and renew efforts to obtain a chairman from the group.

After some discussion concerning our State Parks, a motion was presented and passed to ask for the removal of parking fees from said parks. The Clerk was instructed to send letters to Senator George Snyder & Delegate Herbert McElwee concerning this.

There being no other business the meeting was adjourned.

John W. Long Jr.

Town Clerk

161

3-14-62

The Mayor & Council met at the Library with all members present.

Mr. Charles Churchey appeared before the Council on behalf of the Antietam Ball Club to request permission to use the town ball diamond. The request was granted, pending the working out of a schedule in conjunction with the Little League Team. The Antietam Club was given the go ahead to put the diamond in shape with the Town sharing part of the cost. Councilman Kline will represent the Town Council in all transactions concerning the Baseball Diamond.

The Insurance Auditor requested some information concerning the town facilities. The forms were turned over to our insurance agent, Russell Geeting.

The Health Dept. checked some areas in town and notified some property owners to take action on cleaning up the mess. A copy of the letter was sent to the Mayor with a suggestion that the town install a Sewerage Disposal System.

The Statex Roads Commission has agreedto do some work on the drains at the Ralph Reeder residence and Ralph Taylor truck lot.

There was quite some discussion concerning the purchase of a weed sprayer to be used on our alleys and areas of our park. It was thought that a one man mobile unit would be the most feasible. Councilman Brandenburg was asked to check prices and report to the next meeting. Also it was decided to check the possibility of contracting this work.

The Potomac Edison will be asked to replace the globe on the bridge light.

Keedysville town limits were discussed. Ordinances dating back to 1888 were checked with a supporting map showing the boundary outline. The line supposedly lies Five Hundred Yards to the East of Main Street and Five Hundred Yards to the West of Main Street. The boundary on the North is a Farm Road and on the South, Prys Mill Road. There will be further investigation on this matter.

The Clerk was instructed to notify the U.S. Steel Corp. concerning property which is within the town limits. The exact tax status will be sent them as soon as the town boundaries are pin-pointed.

Itwas requested that the Park Board check on prices for Rest Rooms at the Town Park. Also consider painting the picnic tables for the coming season.

The following dates were decided upon in conjunction with the annual election.
Voter Registration at the Library - April 7, from 4 to 7 P.M.
Nominations for Town Officials - April 21, from 7 to 8 P.M.
Regular Election - May 5, from 4 to 7 P.M.

It was passed unanimously to have the Clerk send a letter to the Potomac Motor Lines protesting removal of the afternoon bus service through Keedysville.

The treasurer reported the following fund balances:
General Fund - 3,760.43 , State Revenue Fund - 1,166.61

There being no other business, the meeting was adjourned.

John W. Long Jr.
Town Clerk

171

6-19-62

A meeting of the Town Council was held at the Library with all members present.

Mr. John Larsen, a representative of Community Developments for the Potomac Edison Co. met with the Council to discuss the possibility of land development for Real Estate and possibly a small industry. Also a community building will be considered in line with this development. Mr. Larsen will draw up maps of certain areas and lay out in the best possible manner and proceed from there. By use of said maps, streets and lots can be laid out to the best advantage. The plan will be spread out over a period of 25 to 30 years with certain goals to be attained at 5 year intervals. The two parcels of land that are being considered are Mrs. Remsburgs land bordering Mt. View Drive and Martha Taylors land bordering Park Drive. Both owners have pledged full cooperation toward development of this land. Upon receipt of a report from Mr. Larsen and with full consideration, a decision will then be made as to where we should begin. Councilman Sinnisen will keep in touch with Mr. Larsen.

It was reported that some of the town alleys are being resurfaced, with work to be completed in several days. The cost of this work will be $ 3,058.00 .

The Town Park is being re-wired for flood lighting and better electrical circuits. This is hoped to be completed by July 4th. in time for the town homecoming.

The following fund balances were reported by the treasurer:
General Fund - $ 3,405.91 ; State Revenue Fund - $ 1,685.42

Upon a motion by Councilman Brandenburg & seconded by Sinnisen it was passed to ask State Police to give warning tickets to illegal parkers in the Town limits.

The Centennial Committee has asked the Council for expense money. The Town will allot $ 100.00, to be returned if profits permit.

There being no other business, the meeting was adjourned.

John W. Long Jr.
Town Clerk

8-21-62

A meeting was held at the Town Park with all members present except Asst. Hines.

The bill from R.F. Kline for paving alleys will not be paid until Councilman Brandenburg gives the ok. This will not be forthcoming until several items are corrected.

Councilman Brandenburg will see that the curb in front of the Line House is painted making this a no parking area.

The Centennial Committee has asked permission to use a section of the Park for parking cars and also as a point to shuttle buses to and from Sharpsburg during the re-enactment on Sept. 15 & 16. We will receive 50¢ for each parking ticket turned into Centennial Headquarters. This was passed unanimously.

After some discussion, it was decided that the Boonsboro Ambulance Club should canvass the town instead of requesting a donation from the Town Council.

The Clerk is to poll the Park Board concerning Centennial parking.

There being no other business, the meeting was adjourned.

John W. Long Jr.
Town Clerk

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12-20-62

The Mayor & Council met at the Library with all members present except Councilman Brandenburg. Bill Baker & Buzzy Everline were present from the Potomac Edison Co. to give an explanation concerning the change in the lighting system for Keedysville.

The lights have been re-wired in a series to work independantly so that when one unit is knocked out, the remainder of the system remains intact, thus giving more adequate service to the town. The change-over has been completed except for the bridge lights which will have to be re-wired and this will be the sole responsibility of the town to do so. Mr.Baker stated that he will personally see that $50.00 be paid by the Potomac Edison toward the bridge lights. He was thanked most heartily and wished the best of luck on his new assignment at Cumberland.

There was a motion by Asst. Mayor Hines & seconded by Councilman Sinnisen to rewire the bridge lights and to notify Seibert Shifler to proceed with the project as soon as possible.

It was decided that the bill from R.F. Kline for work done on our town alleys must be paid before the end of the year and a letter will accompany said payment stating that the job was not completed to our satisfaction.

Upon a motion by Councilman Ellis & seconded by Sinnisen the Clerk was instructed to write a letter to County Surveyor Seibert asking an explanation for the delay in completion of the survey of the town limits. Also "proper concrete markers" will be added to the minutes of March 28,1962.

It was reported that plans for the Town Hall have been drawn up and copies have been made and presented to contractors for sealed bids. Said bids with the proper forms will then be processed through the Accelerated Public Works Act for a federal grant.

It was decided to hold voter registration on Sat. Jan. 12 from 4 to 6P.M. at the Library.

A balance of $111.43 from the Centennial funds will be requested to be turned over to the building fund.

A motion was made & passed that the tax rate for 1963 will remain at .57 per one hundred dollars of assessed value.

A new Post Office for Keedysville was discussed and Mayor Schwagel agreed to obtain information and write to the proper authorities concerning this.

Councilman Ellis will endeavor to obtain a representative of the State Roads Commission to attend a town meeting to enlighten us concerning right of ways to our Park and a Development.

Councilman Sinnisen & Ellis were instructed to compile a list of properties which create nuisances such as running waste water on the street, parking on pavements etc.

Councilman Sinnisen will contact Mayor Koontz of Sharpsburg concerning town ordinances.

There being no other business, the meeting was adjourned.

John W Long Jr.

Town Clerk

191

5-9-63

The Mayor and Council met at the Library with all members present. Councilman Lowe and Kline were welcomed as new members of the Council.

The Treasurer reported the following fund balances: General Fund: $ 4,561.64 and State Revenue Fund: 3,002.52.

The Mayor made the following Assignments:
Asst. Mayor Hines - Ball Park and Taylor Park.
Councilman Sinnisen - Water Board Rep. Community Bldg. and Land Development.
Councilman Kline - Drainage and Streets.
Councilman Lowe - Street Lighting and Miscellaneous.

It was reported that the Ball Park and Taylor Park expenses are exceeding the budget and care will need to be taken for the remainder of the season.

Councilman Kline was instructed to contact interested Contractors and have them bid on re-paving alleys from Bell property to Main Street, Mt. Vernon Drive from Antietam Drive to Eakles Mill Road and Hebron Rd. from Norris property to Remsburg farm. Also repair and patch all other alleys where necessary. All bids must be mailed in care of Citizens Bank and received no later than May 31, 1963. Bids will be opened and a contract awarded at our next meeting.

It was decided that we should get the Potomac Edison Co. to anchor the light poles in Taylor Park so that the flood-lights can be permanently set. Also the rest rooms are to be painted as soon as possible.

It was agreed that the Council would attend the Memorial Day Parade in Boonsboro on Sunday May 26.

Mr. Hildebrand of the State Roads will be in town soon to see what can be done to the drain at Foster Valentines property. He will also be asked to check the drain in front of the Grace Baker property.

There was a motion by Councilman Lowe and second by Kline and passed to acknowledge John Long Sr. as Law Enforcement Officer for this area, as designated by Sheriff Charles Price.

Councilman Sinnisen reported that the Community Building forms are still being processed and are now being held for Health Dept. Certification for the area involved.

Letters were received from Max Dagenhart, Pauline Dagenhart, Goldie Wyand and Roscoe Hammond to have their names removed from the petition presented concerning the Town Hall.

It was decided to try to have at our next meeting a State Roads Representative to enlighten us on parking rules in town limi ts or a Health Dept. Rep. to discuss Health and Sewerage problems.

There being no other business, the meeting was adjourned.

John W. Long Jr.
Town Clerk

6-3-63

The Mayor and Council met at the Library with all members present.

Councilman Sinnisen reported that the Label Factory, of which there was a possibility of locating in this area, has gone to Berkley Springs where land was donated.

After quite some discussion, there was a motion by Asst. Mayor Hines and second by Councilman Sinnisen to withhold the cancellation of our land development program for a period of thirty days to make a final effort for some progress on same. Motion carried.

Councilman Kline reported that Mr. Stone will try to complete the alley and drain as agreed before our street paving program begins.

The following bids were received for re-surfacing ofspecified alleys:

R. F. Kline - $ 3,796.00
E. D. Plummer - $ 2,869.25
Bester Long & Co. - $ 2,289.50

It was agreed to award to the lowest bidder after a final check with the Contractor on specifications.

Mr. Bowser, County Roads Supervisor, will ask the County Commissioners for permission to use plows to remove snow from our town alleys and bill Keedysville for this service at end of each month..

Councilman Lowe will contact the B.& O.Railroad about the possibility of leasing the land where the old station stands. Information is that the building will be torn down and it is believed that this would be very appropriate for a parking area.

The weed problem in our town alleys and Park areas was discussed. Councilman Kline will contact Warrenfelts and have him check the areas involved to see what can be done to eliminate this eye-sore.

The Clerk was instructed to call Norm. Ayers and have him remind County Surveyor Seibert that we are still anxiously awaiting the completion of the survey of our town limits.

The Mayor reported, that according to state records, the Water Line involving the Keedysville Water System, extends 11,200 feet on state property.

The next town meeting will be held on Monday, July 1, at 7:30 P.M.

There being no other business, the meeting was adjourned.

John W. Long Jr.
Town Clerk

7-11-63

A special meeting was held at the park with all members present.

The Water Board recommended that Mrs. Martha Taylor & Mr. Wyand Rohrer be appointed to three year terms on the Water Board. It was voted unanimously by the Mayor & Council to accept these appointments.

Councilman Kline was instructed to give a report at our next meeting on the street paving project and make recommendations accordingly.

Mayor Schwagel reported that a meeting of the Wash. Co. Study Commission will be held at the Alexander Hotel on Monday July 15, at 8 o'clock. A full report will be made by this group and all who possibly can should attend.

There being no other business, the meeting was adjourned.

8-5-63

The Mayor & Council met at the Library with all members present. The minutes of the previous meeting were read and approved.

After some discussion, there was a motion by Councilman Lowe and second by Sinnisen and passed to divide certain purchases made by the Town among the several businesses within the Town limits. It will be worked on a yearly basis.

It was reported that our street signs have been anchored in the proper positions and should remain so.

The State Roads Dept. has agreed to install new drain covers at Valentines Store and across from the Bank.

Councilman Lowe was instructed to contact Mr. Brown of The Health Dept. to see what has been done toward eliminating odors from drains.

The B.& O. Railroad has expressed willingness to lease the old station site for parking and asks the Town Council to state what they would be willing to pay for rental. This will be investigated further once the building is completely removed.

The Mayor reported that the Wash. Co. Study Commission gave a splendid report and will follow through on same.

There was some discussion concerning the difficulty of obtaining qualified persons to serve on the Water Board & Park Board. Therefore it was decided to reduce the number of persons on the Park Board to three. The following persons were agreed upon; Rev. Harry Kottler - 1yr. Max Dagenhart - 2 yrs. & Leoda Roulette - 3 yrs.

Councilman Kline was instructed to set up a meeting at Mrs. Van Renssalaer's to discuss matters concerning an alley.

Councilman Sinnisen will contact Mary Kefauver to have her appear at our next meeting, with a representative of the Library if possible.

There being no other business, the meeting was adjourned.

John W. Long Jr.

Town Clerk

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10-2-63

The Town Council met at the Library with all members present. The minutes the previous meeting were read and approved.

It was generally agreed to set up the first Thursday of the month as the regular meeting night for the Council.

The treasurer reported the following fund balances:
General Fund - $ 3495.63 and State Revenue Fund - $ 2253.10

Mrs. Van Renssalaer asks that any action on an alley in rear of her property be delayed until next spring.

The drains at the Highbarger & Bell properties will be completed as specified within the week.

It was decided to hold trick or treat night the same as Hagerstown which will probably be October 31, from 7 to 9P.M.

It was reported that the state standard for any alleys or streets, wherein state revenue is used, will be 30 feet in width. Councilman Kline will check our existing alleys to ascertain the approximate widths.and what would be involved to widen to state standards.

A letter was received from the B. & O.Railroad informing us that right-of-ways for which the Town has been paying $ 1.00 per year, will be increased to $ 25.00. Councilman Lowe will contact Railroad Officials concerning the possibility of leasing the old station site before any decision is made.

Councilman Lowe will continue to investigate health conditions, such as draining wash water & waste into street or alleys.

Mayor Schwagel & Councilman Sinnisen will study ordinances and then present their findings at a later meeting. They will also check on parking tickets and how they can be handled.

It was decided that Taylor Park will be officially closed Nov. 1st. Water will be turned off, Rest Rooms closed etc.

The semi-annual registration of voters for town elections will be held Oct. 21, from 7 to 8P.M. at the Library.

There being no other business, the meeting was adjourned.

John W. Long Jr.
Town Clerk

5-1-65

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Results of Keedysville Town Election

Mayor

Rome F. Schwagel - 41 votes

Asst. Mayor

Lester E. Hines - 38 votes

Councilman

E. Stafford Kline - 39 votes
Harold B. Lowe - 37 "
Richard Sinnisen - 38 "

Election Judges were Howard Remsburg and Harry C. Kottler.
Total votes cast were 48.

John W. Long Jr.
Town Clerk

5-6-65

The Town Council met at the Library with all members present except Councilman Lowe. The minutes of the previous meeting were read and approved.

The treasurer reported the following fund balances: General Fund 5,438.12 State Revenue - 613.34.

It was reported that the walnut tree in the spring area has been sold at a net profit of 110.00.

The project of re-inforcing the bridge leading to the spring has been completed under different specifications for a total cost of 900.00.

Councilman Sinnisen will request the presence of the Water Board at our regular meeting in June at 8 o'clock.

Park Board member Homer Reed reported that Mrs. Lewis will be Counselor for our Playground Program. It was voted to deposit 300.00 in the Park Board Fund to cover expenses for this project.

Councilman Kline was asked to make a study of Washington & Frederick Counties on population, assessable basis, and salaries of town officials.

Keedysville will be host to the Wash. Co. Municipal League at the Red Byrd Restaurant, 7 P.M. on May 24.

Asst. Mayor Hines will have Warrenfeltz to spray alleys to control weed growth. This should be done as soon as possible.

There was a motion by Councilman Sinnisen & second by Kline to have Tommy Remsburg install a fourteen foot gate with posts, furnishing all materials, at a cost of 40.00. Motion passed unanimously.

The Cemetry board has asked the Town to notify them when we have more work done on town alleys. Cemetry roads are in need of repair.

There being no other business, the meeting was adjourned.

John W. Long Jr.
Town Clerk

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REPLY BRIEF OF APPELLANT

IN THE

APPELLATE COURT

OF MARYLAND

September Term 2023,

No. 883

UNCLE EDDIES BROKEDOWN PALACE, LLC

Appellant

V.

JEFFREY YOUNG

Appellee

Appeal from the Circuit Court of Washington County

The Honorable Andrew F. Wilkinson - C-21-CV-20-371

REPLY BRIEF OF APPELLANT

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EXHIBIT E

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Scott v. Seek Lane Venture, Inc., 91 Md.App. 668, 605 A.2d 942, *cert. denied,* 327 Md. 626, 612 A.2d 257 (1992) P. 5

* Citations from Maryland Caselaw In Brief

(ii) **Statutes**

Appellant Statute Citations

Chapter 64 of the Acts of the Maryland Assembly 1866 § 12 P. 9

* Citations from Maryland Statute In Brief

I. YOUNG HAS CONCEDED THE THRUST OF UNCLE EDDIES' APPEAL, THE TRIAL COURT'S ORDER IS UNLAWFUL AND DOES NOT COMPLY WITH THIS COURT'S MANDATE.

Appellant Uncle Eddies brokedown palace LLC, ("Uncle Eddies"), and Appellant Justin Holder, ("Mr. Holder") appealed the trial court's order because it did not comply with this Court's mandate. Appellee Jeffrey Young, ("Young") concedes the main thrust of Uncle Eddies' and Mr. Holder's appeals. "Since Mr. Young (in his Complaint) only asked the trial court to grant relief as to his Parcels 2 and 3, this Court (in the last appeal) held that it was erroneous for the trial court to quiet title to Parcel 1 and/or to enjoin any of the Defendants from accessing Parcel 1 in its original final order." Young Br. UE p. 4.[1]

After Young fumbles through a nonsensical discussion, he ultimately concludes his argument with the concession that "the solution is simple. The Court should remand this case again with instructions to expressly limit the injunction in the final paragraph of the revised order to Parcels 2 and 3, e.g. by making the following simple change (added language in brackets and stricken language deleted):

> ORDERED, Defendants Justin Holder, Deena Holder, Uncle Eddie's Brokedown Palace, LLC, and any member or agent thereof, be and are hereby permanently enjoined from entering Plaintiffs [Parcel 2 and 3] land as described in the Opinion and this Order.

E1213." Young Br. UE pp. 6-7 Young has conceded this appeal in so arguing.

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[1] Young's Appellee Brief in response to Uncle Eddies is abbreviated as Young Br, UE, and his Appellee Brief in response to Mr. Holder is abbreviated as Young Br. JH.

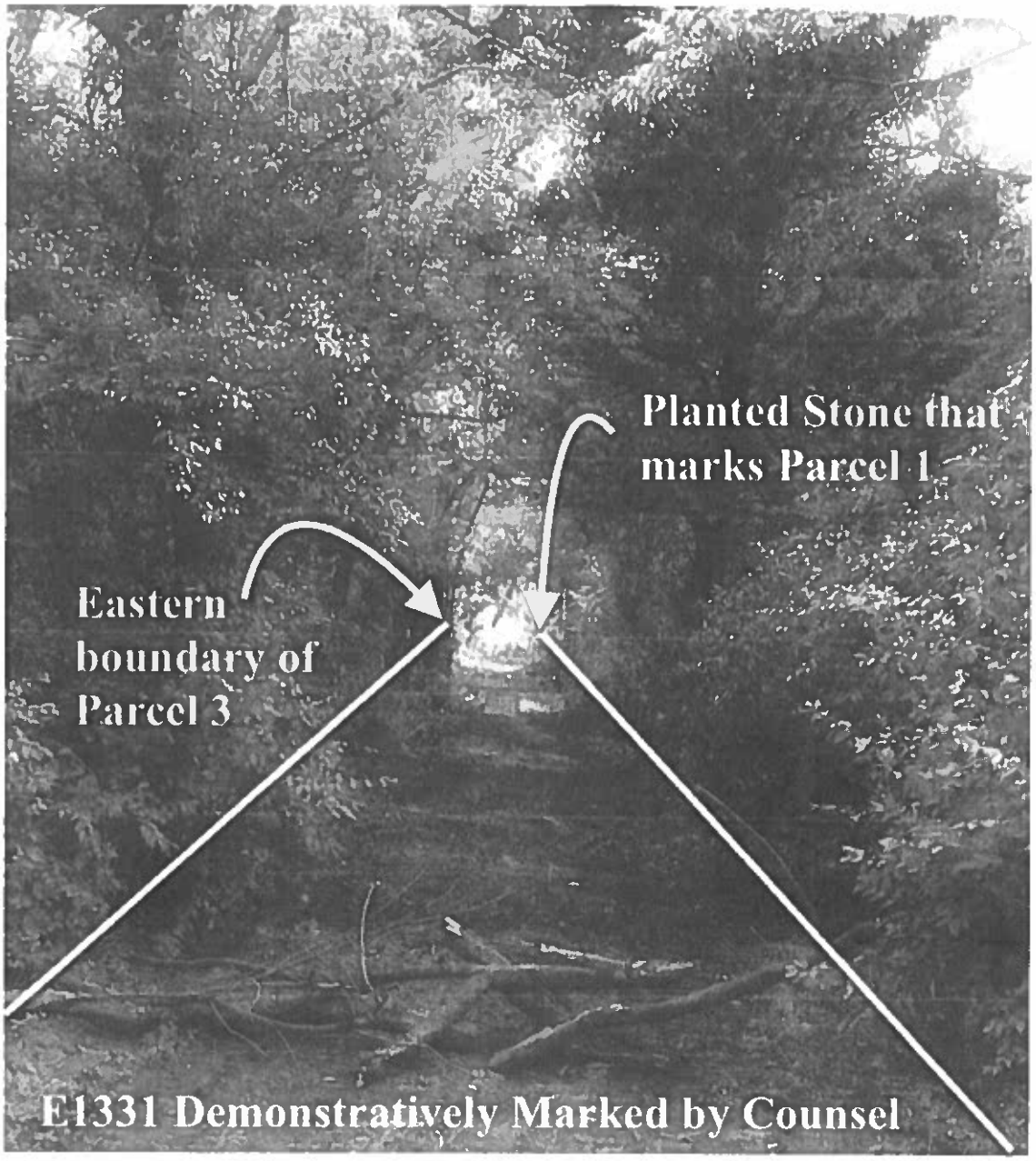
II. UNCLE EDDIES RESPECTFULLY REMINDS THIS COURT THAT WE ARE HERE EXCLUSIVELY DUE TO YOUNG'S BAD FAITH.

It was Young who inexplicably appeared at trial and requested **inappropriate** relief to his Parcel 1. Uncle Eddies' Br. p. 5 It was also Young who inexplicably made the materially false declaration at ¶9 of his Complaint, claiming he owned Parcel 3 by deed, he did not. *Id.* at p. 9. Moreover, Young absolutely knew that his Plat 2499 was not accurate. *Id.* at pp. 2-3. Indeed, Young went to the incredible length of filing false evidence in the trial court with his expert designation. *Id.* at p. 4 Young does not argue any of these aforementioned facts are NOT true, because he can not, they are all true. Young's behavior is inexcusable. Young appeared at trial and surprised the Appellants with his **inappropriate** relief outside of Parcels 2 & 3 for the improper purpose of concealing the fact Plat 2499 was not accurate, and he did not have a deed for Parcel 3.

Indeed, Mr. Holder made this fact clear in his Bill *Quia Timet,* ("BQT") and it is equally clear Young had no good faith basis to oppose the BQT. *Id.* at p. 20 Young wasted more than a day of trial in his frivolous attempt to foist his inaccurate Plat 2499 before the court, and arguing his materially false declaration that he owned Parcel 3 by deed, he did not. Yet Young has the audacity to ask this court "why did Mr. Holder and UEBP submit 60 pages of briefs to accomplish such a minor change to the order?" Young knows the answer, and so does this court. Without the **inappropriate** relief Young surprised the Appellants with at trial, Young can not meet his burden to prove Mr. Holder trespassed. Young's injunction fails, as will be specifically explained *infra.*

III. YOUNG CONCEDED, AND YOUNG CAN NOT PROVE A TRESPASS.

Young has conceded that his relief and injunction must be limited to Parcel 2 and 3 on Plat 2499. Young further conceded Plat 2499 is not accurate, and surveyor George Nagel's survey IS accurate. Mr. Holder apparently directed the Bobcat through the gap of land owned by his vendors, and in between Young's Parcel 1 and Parcel 3:



Young, by failing to argue, waived his argument[2] that Parcel 3 is any wider than the 12.2 foot strip depicted on Plat 2499, and the trial court expressly:

> ORDERED, the western boundary of Parcel 3 as shown on Plat 2499 abuts and borders the eastern boundary of the Stonecrest development as shown on Plats 8292-93, as said plats are recorded in the Land Records of Washington County. Maryland.

Young Br. JH p. 6 Young, by failing to argue, waived his argument that the "planted stone" monument "found" by George Nagel DOES NOT mark the western boundary of his Parcel 1. Young, by failing to argue, waived his argument that his declarations in his *verified* complaint that he owned Parcel 3 by deed hold any veracity whatsoever. Young, by failing to argue, waived his argument that his request for **inappropriate** relief outside Parcel 2 & 3 had any merit, or substantial justification. Young, by failing to argue, waived his argument that his expert designation WAS NOT materially false, or that he had a good faith basis to file such a thing, he did not.

Moreover, Young's claim that the "last owner of Parcel 3 is unknown" is unbelievable. (E1022) Young knew when he purchased the quit claim deed for Parcel 2 in 1993 from Jennifer Butts, that she was also title holder of Parcel 3. Mr. Holder's Br. pp. 20-22 Young, by his own ignorance, (or worse) just failed to purchase the quit claim for all the land depicted on Plat 2499 outside of Parcel 1 on the Reeder-Wickline

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[2] Arguments not raised in a brief are deemed waived. *See Monumental Life Ins. Co. v. United States Fidelity & Guar. Co.*, 94 Md. App. 505, 617 A.2d 1163, cert. denied, 330 Md. 319, 624 A.2d 491 (1993).